



Arlington Contributory Retirement Board Meeting Minutes June 22, 2023

Call to Regular Monthly Meeting

Chairman Hughes called the monthly meeting to order at 4:30 PM

Board Members present: Chairperson Kenneth Hughes, Ida Cody, Robert Jefferson
Richard Keshian and Fred Fantini

Motion and vote to approve Expense Warrants 6, 6m, 6s 2023 and the June 2023 Payroll Warrant

After review and discussion, Mr. Keshian made a motion to approve Expense Warrant #6, 6m, 6s and the June Payroll Warrant for payment, seconded by Mr. Fantini. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and Vote April 2023 Trial Balance

After review and discussion, Ms. Cody made a motion to approve the April 2023 Trial Balance seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote to approve Minutes for May 18, 2023

After review and discussion, Mr. Fantini made a motion to approve the May 18, 2023, Minutes seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion to approve new Town members.

After review and discussion Mr. Fantini made a motion to approve the new town members as listed, seconded by Mr. Jefferson. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Name	Date of Membership	Percentage	Position
Mary Downs	06-12-2023	9+2%	AYCC Social Worker
Nicholas Goyette	06-12-2023	9+2%	Community Safety Dispatch
Elizabeth Zinn	06-01-2023	9+2%	AYCC Social Worker

Motion to approve new AHA members.

After review and discussion Mr. Keshian made a motion to approve the new AHA members as listed, seconded by Ms. Cody. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

<u>Name</u>	<u>Date of Membership</u>	<u>Percentage</u>	<u>Position</u>
Patricia Horgan	05-29-2023	9+2%	Resident Service. Coordinator
Yusuf Mohamed	05/29/2023	9+2%	Property Manager

Motion and Vote to approve the retirement application for Vincent Kilcommons

After review and discussion, Mr. Fantini made a motion to approve the retirement application for Mr. Vincent Kilcommons, seconded by Mr. Jefferson. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Name	Creditable Service	Department/ Position	Retirement Option	Retirement Date
Vincent Kilcommons	47 Years 3 Months	Engineering/ Junior Engineer	B	7/29/2023

Acknowledgement of retiree's survivors and employees who have passed since the last Board Meeting Edward Francis, Barbara Hayes, and James O'Rourke

The Chairman asked the Board for a moment of silence for the deceased retirees.

Deceased	Date of Death	Department/ Position	Retirement Date	Status
Edward Francis	05-20-2023	School/ Custodian	8/01/1988	Retiree
Barbara Hayes	06-10-2023	School/ Clerk	5/31/2000	Retiree
James O'Rourke	06-19-2023	Fire/ Firefighter	9/8/2001	Retiree

Appoint an Election Officer

Mr. Jefferson made a motion to appoint Mr. Greco as the Election Officer and approve the Election calendar as presented, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote Refunds and Rollovers

Motion and vote for a refund of accumulated deductions for Mr. Gabriel Blais in the amount of \$8,869.81 Mr. Blais had 1 year and 11 months of creditable service working for the Town of Arlington as a Water Craftsman.

After review and discussion, Mr. Jefferson made a motion to approve the refund of accumulated deduction for Mr. Blais, seconded by Mr. Keshian. The motion was approved

by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote for a refund of accumulated deductions for Ms. Leticia Guevara Burruzo in the amount of \$1,540.28. Ms. Guevara Burruzo had 7 months of creditable service working for the Arlington After School Program as a Teacher's Assistant.

After review and discussion, Mr. Keshian made a motion to approve the refund of accumulated deduction for Ms. Guevara Burruzo, seconded by Mr. Fantini. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote for a rollover of accumulated deductions for Mr. Peter Foldi in the amount of \$22,246.72. Mr. Foldi had 3 years and 4 months of creditable service working for the Town of Arlington in IT Department After review and discussion, Mr. Jefferson made a motion to approve the rollover of accumulated deduction for Mr. Foldi, seconded by Ms. Cody. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote for a refund of accumulated deductions for Ms. Luna Guevara Gimenez in the amount of \$2,309.28. Ms. Guevara Gimenez had 7 months of creditable service working for the Arlington After School Program as a Teacher's Assistant.

After review and discussion, Mr. Jefferson made a motion to approve the refund of the accumulated deduction for Ms. Guevara Gimenez, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Motion and vote for a refund of accumulated deductions for Ms. Janice Medeiros in the amount of \$7,235.38. Ms. Medeiros had 7 years and 6 months of creditable service working for the School Department as a Cafeteria Helper.

After review and discussion, Mr. Jefferson made a motion to approve the refund of accumulated deduction for Ms. Medeiros, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody, Mr. Keshian, Mr. Fantini, and Chairman Hughes

Motion and vote for a refund of accumulated deductions for Ms. Kathryn Ryder in the amount of \$1,068.74. Ms. Ryder had 7 months of creditable service working for the School Department as a Teacher's Assistant.

After review and discussion, Mr. Jefferson made a motion to approve the refund of accumulated deduction for Ms. Ryder, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

Interview Three Candidates for Legal RFP

Mr. Greco reviewed with the Board the process for the interviews. Mr. Greco reminded the Board that the three candidates Attorney's Michael Sacco, Katherine Hesse, and Tim

Smythe were the only three applicants and the Board chose to interview all three giving each a half an hour and the order was determined by whose application was received when Attorney Michael Sacco first, Attorney Katherine Hesse second and Attorney Tim Smythe. Attorney Sacco will be calling into the meeting because he had travel booked before the interview was scheduled but he will have his associate Attorney Christopher Collins at the meeting. Attorney Hesse and Smythe will be in person.

The Board Members agreed on 7 Questions that the Board Members will ask all the candidates. Each Board Member will score the answers on a scale from 1 to 5. The Board determined a half hour each starting with Attorney Sacco @ 5:00 PM, Attorney Hesse @5:35 and Attorney Smythe at 6:10 PM

Attorney Michael Sacco called into the meeting at 5:00 PM and Attorney Christopher Collins was already at the meeting.

Chairman Hughes asked Attorney Sacco for brief opening statement.

Attorney Sacco stated that his 3 areas of expertise are experience capacity and resources. Attorney Sacco told the Board. He has almost 40 years of retirement experience. With 11 working at Boards an almost exclusively doing 30 years of Massachusetts Retirement Law. Attorney Sacco has two associates that work for him Attorney Christopher Collins and Attorney Joseph Kenyon which helps his firm to be very responsive to his large client base and has help get a reputation of providing information on a timely manner on forfeiture, disability, workers compensation and all other services. And Attorney Sacco said he has almost 30 years of providing advice for success.

Attorney Sacco was then asked the following questions **please tell us about your practice in general and your experience with MGL Chapter 32 in particular.**

Attorney Sacco responded that he felt he covered this in his introduction.

How much of your practice is dedicated to ordinary and accidental disability cases?

Attorney Sacco said that this was his bread and butter. He recommends that Boards have hearings on all cases and he or staff will attend, and he has had very few remands.

Please give us an example of a complex litigation case that you have represented and what was the outcome.

Attorney Sacco told the Board a police officer separated from his wife had girlfriend forge signature to get benefit and child credit Attorney Sacco's firm prevailed on the ruling. Also represented O'Leary and Vernava and has gone before SJC 11 times and prevailed 8 of them. Attorney Sacco stated he has been successful in front of DALA and CRAB and said he has a good relationship PERAC Executive Director John Parsons.

What is the turnaround for a case review? Have you prepared or submitted any written communication to PERAC on behalf of the Board you are representing?

The ACRB returned to in-person meetings. Can you participate in person, or do you prefer remote participation?

Attorney Sacco prefers in person and either Attorney Sacco or Attorney Collins would be at any meeting necessary.

If you have ever conducted any "Forfeiture" or "Excess Earnings" Hearings for any Board's and what were the results of those cases?

Attorney Sacco said he has had many cases and winning on the Board's behalf through the appeals process. Also, with 91A's case with PERAC that he has prevailed.

Have you ever represented any clients that had matters before either the Arlington Contributory Retirement System, the Town of Arlington, or the Arlington Housing Authority? Attorney Sacco said no he had not.

Attorney Sacco in his closing thanked the Board and apologized for the schedule conflict that prevented him from being at the interview hope the Board will consider having him be the Board's attorney.

Attorney Katherine Hesse was welcomed into the meeting by Board at 5:35 PM.

Chairman Hughes asked Attorney Hesse for brief opening statement.

Attorney Hesse stated she is committed to work in the field of employee benefits. All benefits not just retirement such as 403B,401K's, OPEB Trust, Health Insurance which she feels is a unique benefit other Attorney's don't have. Attorney Hesse also stated there are 5 MMA Lawyers on staff at the firm with not only Chapter 32 experience but the big picture issues and Accidental Disability experience.

please tell us about your practice in general and your experience with MGL Chapter 32 in particular.

Attorney Hesse stated a well-known union trust case requested that her firm audit fund for investment issues. She also works with PRIT Norfolk County ADR and Investment legal issues 30 to 40 ligation cases and has gone before DALA and CRAB

How much of your practice is dedicated to ordinary and accidental disability cases?

Attorney Hesse Currently they are day to day with hearings and opinions as necessary.

Please give us an example of a complex litigation case that you have represented and what was the outcome.

Attorney Hesse told the Board about her representation of retirees both individual and class action against Bank of New England and help recover 55 to 60 million for over 16,000 retirees. Also has done PTSD, Heart Presumption, DALA MEMOs often providing analysis of the case.

What is the turnaround for a case review? Have you prepared or submitted any written communication to PERAC on behalf of the Board you are representing?

Attorney Hesse answered low if you send it there will be sample analysis fact of medical records. Many times, formal compliance clarification

The ACRB returned to in-person meetings. Can you participate in person, or do you prefer remote participation?

Attorney Hesse prefers in person over all will do remote if required.

If you have ever conducted any "Forfeiture" or "Excess Earnings" Hearings for any Board's and what were the results of those cases?

Attorney Hesse has litigated felony related cases resulting in forfeiture.

Have you ever represented any clients that had matters before either the Arlington Contributory Retirement System, the Town of Arlington, or the Arlington Housing Authority? Attorney Hesse not that she knew of.

Closing

Attorney Hesse said her firm can handle small to big retirement funds the same from the city of Somerville to Danvers with handling Chapter 32. Also does a newsletter to the clients.

Attorney Timothy Smythe was welcomed into the meeting by Board at 6:15 PM.

Chairman Hughes asked Attorney Smythe for brief opening statement.

Attorney Smythe Thanked the Board for opportunity to be interviewed for the Arlington Board's Attorney. Attorney Smythe told the Board that he worked for the Worcester DA is the Director of the Boston Retirement Board and this practice is exclusively, or his bread and butter is Chapter 32.

please tell us about your practice in general and your experience with MGL Chapter 32 in particular.

Attorney Smythe told the Board his practice is exclusively Chapter 32 and Massachusetts Retirement Law, and he represents other Boards also.

How much of your practice is dedicated to ordinary and accidental disability cases?

Attorney Smythe said his practice is about 70% Accidental Disability and 30% Ordinary Disability.

Please give us an example of a complex litigation case that you have represented and what was the outcome.

Attorney Smythe told the Board Durkin Vs the Boston Retirement Board which lead to Durkin a Police Officer forfeiting his pension and the appeals.

What is the turnaround for a case review? Have you prepared or submitted any written communication to PERAC on behalf of the Board you are representing?

Attorney Smythe said he tries to have a response in 1 to 3 days and if the Board needs it sooner, he will do everything he can.

The ACRB returned to in-person meetings. Can you participate in person, or do you prefer remote participation?

Attorney Smythe prefers in person a specially with hearing because at the DA's Office he was trained to read body language and that is difficult over video.

If you have ever conducted any "Forfeiture" or "Excess Earnings" Hearings for any Board's and what were the results of those cases?

Attorney Smythe said he has been involved in many Forfeitures and Excess Earning cases and hearings.

Have you ever represented any clients that had matters before either the Arlington Contributory Retirement System, the Town of Arlington, or the Arlington Housing Authority? Catherine Harrington-Mahon

Closing

Attorney Smythe thanked the Board. He also stated he felt his position as executive director of the Boston Retirement Board his work with DA'S office and representing members give the experience to represent the Board.

After review and discussion, Mr. Jefferson made a motion to offer Attorney Smythe the position and negotiate a contract with him, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.

At 6:54 motion to adjourn by Mr. Jefferson and, seconded by Mr. Keshian. The motion was approved by unanimous roll call vote Mr. Jefferson I, Ms. Cody I, Mr. Fantini I, Mr. Keshian I and Chairman Hughes I.